J. STEPHEN WILCOXEN.

FEBRUARY 12, 1895.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. Mahon, from the Committee on War Claims, submitted the following

REPORT:

[To accompany H. R. 7922.]

The Committee on War Claims, to whom was referred the bill (H. R. 7922) for the relief of J. Stephen Wilcoxen, submit the following report:

This claim was presented to the Committee on War Claims of the Fifty-second Congress, and was favorably reported by that committee. A careful examination of the facts involved brings your committee to the same conclusion as that reached by the committee of the last House. A copy of said report is hereto attached and made a part of this report.

Your committee recommend the passage of the bill.

The committee attach to their report the acts of Congress concerning drafted men, and other information upon that subject, and ask that it be printed as an appendix to the report.

APPENDIX.

[House Report No. 475, Fifty-second Congress, first session.]

The Committee on War Claims, to whom was referred the bill (H. R. 3389) for the relief of J. Stephen Wilcoxen, respectfully report:

The claimant seeks to be reimbursed for money paid by him for a substitute during the late war, he being exempt by law from being drafted. Claim stated at \$300.

The records obtained from the War Department show that the claimant, Stephen

Wilcoxen, was enrolled May 2, 1864, to serve one hundred days, in Company A, One hundred and fifty-seventh Regiment, Ohio National Guards, and was mustered out

of service with the company September 2, 1864.

Stephen Wilcoxen, enrolled for the draft in the Second ward, Steubenville, seventeenth district of Ohio, was drafted May 12, 1864. The draft register of this district, from which the records of drafts given above was obtained, bears the remark in pencil opposite the name of the drafted man, "one hundred days' service." This register does not show any other man of the same name drafted at the same time and July 23, 1864, reports one Josiah S. Wilcoxen, with the same record of draft as in the case of Stephen Wilcoxen, exempted by reason of having furnished a substitute. It also appears that the name of this substitute was Franklin Weaver.

Section 10 of the act of Congress approved February 24, 1864, directs the exemption from enrollment and draft of "all persons actually in the military or naval service of the United States at the time of the draft." The solicitor of the War Department, in an opinion given July 26, 1864, relative to an application for the exemption of members of the one hundred-days' militia of the State of New York

under this provision of the law, held that-

By the true construction of the act those persons only who shall be actually in the service of the United States at the time when their respective names shall be drafted will be exempted from that draft, if such exemption shall be duly claimed.

In a telegram to Lieut. Col. James Oakes, acting assistant provost-marshal-general of Illinois, dated September 25, 1864, the Provost-Marshal-General of the United States said: "One-hundred-day men actually in service when drafted are entitled to exemption."

The claimant enlisted under the name of Stephen Wilcoxen; that was the name he ordinarily went under, while his real name was J. Stephen Wilcoxen, as given

when drafted.

Your committee are of the opinion that the claimant was not liable to draft at the time, and they report back the bill and recommend its passage.

ACTS OF CONGRESS RELATING TO DRAFTED MEN.

[12 Stat. L., p. 731.]

AN ACT for enrolling and calling out the national forces, and for other purposes.

Whereas there now exist in the United States an insurrection and rebellion against the authority thereof, and it is, under the Constitution of the United States, the duty of the Government to suppress insurrection and rebellion, to guarantee to each State a republican form of government, and to preserve the public tranquillity; and whereas, for these high purposes, a miltary force is indispensable to raise and support which all persons ought willingly to contribute; and whereas no service can be more praiseworthy and honorable than that which is rendered for the maintenance of the Constitution and Union, and the consequent preservation of free government: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all able-bodied male citizens of the United States, and persons of foreign birth who shall have declared on oath their intention to become citizens under and in pursuance of the laws thereof, between the ages of twenty and forty-five years, except as hereinafter excepted, are hereby declared to constitute the national forces, and shall be liable to perform military duty in the service of the

United States when called out by the President for that purpose.

SEC. 2. And be it further enacted, That the following persons be, and they are hereby, excepted and exempt from the provisions of this act, and shall not be liable to military duty under the same, to wit: Such as are rejected as physically or mentally unfit for the service; also, first, the Vice-President of the United States, the judges of the various courts of the United States, the heads of the various Executive Departments of the Government, and the governors of the several States; second, the only son liable to military duty of a widow dependent upon his labor for support; third, the only son of aged or infirm parent or parents dependent upon his labor for support; fourth, where there are two or more sons of aged or infirm parents subject to draft, the father, or, if he be dead, the mother, may elect which son shall be exempt; fifth, the only brother of children not twelve years old, having neither father nor mother, dependent upon his labor for support; sixth, the father of motherless children under twelve years of age dependent upon his labor for support; seventh, where there are a father and sons in the same family and household, and two of them are in the military service of the United States as noncommissioned officers, musicians, or privates, the residue of such family and household, not exceeding two, shall be exempt. And no persons but such as are herein excepted shall be exempt: Provided, however, That no person who has been convicted of any felony shall be enrolled or permitted to serve in said forces.

SEC. 3. And be it further enacted, That the national forces of the United States not now in the military service, enrolled under this act, shall be divided into two classes: the first of which shall comprise all persons subject to do military duty between the ages of twenty and thirty-five years, and all unmarried persons subject to do military duty above the age of thirty-five and under the age of forty-five; the second class shall comprise all other persons subject to do military duty, and they shall not, in any district, be called into the service of the United States until those of the first class shall have been called.

in any district, be called into the service of the United States until those of the first class shall have been called.

Sec. 4. And be it further enacted, That, for greater convenience in enrolling, calling out, and organizing the national forces, and for the arrest of deserters and spies of the enemy, the United States shall be divided into districts, of which the District of Columbia shall constitute one, each Territory of the United States shall constitute one or more, as the President shall direct, and each Congressional district of the respective States, as fixed by a law of the State next preceding the enrolment, shall

constitute one: Provided, That in States which have not by their laws been divided into two or more Congressional districts, the President of the United States shall

divide the same into so many enrolment districts as he may deem fit and convenient. Sec. 5. And be it further enacted, That for each of said districts there shall be appointed by the President a provost-marshal with the rank, pay, and emoluments of a captain of cavalry, or an officer of said rank shall be detailed by the President, who shall be under the direction and subject to the orders of a provost-marshalgeneral, appointed or detailed by the President of the United States, whose office shall be at the seat of government, forming a separate bureau of the War Department, and whose rank, pay, and emoluments shall be those of a colonel of cavalry.

SEC. 6. And be it further enacted, That it shall be the duty of the provost-marshal-general, with the approval of the Secretary of War, to make rules and regulations for the government of his subordinates; to furnish them with the names and residences of all deserters from the Army, or any of the land forces in the service of the United States, including the militia, when reported to him by the commanding officers; to communicate to them all orders of the President in reference to calling out the national forces; to furnish proper blanks and instructions for enrolling and drafting; to file and preserve copies of all enrolment lists; to require stated reports of all proceedings on the part of his subordinates; to audit all accounts connected with the service under his direction; and to perform such other duties as the President may prescribe in carrying out the provisions of this act.

SEC. 7. And be it further enacted, That it shall be the duty of the provost-marshals to arrest all deserters, whether regulars, volunteers, militiamen, or persons called into the service under this or any other act of Congress, wherever they may be found, and to send them to the nearest military commander or military post; to detect, seize, and confine spies of the enemy, who shall without unreasonable delay be delivered to the custody of the general commanding the department in which they may be arrested, to be tried as soon as the exigencies of the service permit: to obey all lawful orders and regulations of the provost-marshal-general, and such as may be prescribed by law, concerning the enrolment and calling into service of the

national forces.

SEC. 8. And be it further enacted, That in each of said districts there shall be a board of enrolment, to be composed of the provost-marshal, as president, and two other persons, to be appointed by the President of the United States, one of whom

shall be a licensed and practicing physician and surgeon.

SEC. 9. And be it further enacted, That it shall be the duty of the said board to divide the district into subdistricts of convenient size, if they shall deem it necessary, not exceeding two, without the direction of the Secretary of War, and to appoint, on or before the tenth day of March next, and in each alternate year thereafter, an enrolling officer for each subdistrict, and to furnish him with proper blanks and instructions; and he shall immediately proceed to enroll all persons subject to military duty, noting their respective places of residence, ages on the first day of July following, and their occupation, and shall, on or before the first day of April, report the same to the board of enrolment, to be consolidated into one list, a copy of which shall be transmitted to the provost-marshal-general on or before the first day of May succeeding the enrolment: *Provided, nevertheless,* That if from any cause the duties prescribed by this section can not be performed within the time specified, then the same shall be performed as soon thereafter as practicable.

SEC. 10. And be it further enacted, That the enrolment of each class shall be made separately, and shall only embrace those whose ages shall be on the first day of July

thereafter between twenty and forty-five years.

SEC. 11. And be it further enacted, That all persons thus enrolled shall be subject, for two years after the first day of July succeeding the enrolment, to be called into the military service of the United States, and to continue in service during the present rebellion, not, however, exceeding the term of three years; and when called into service shall be placed on the same footing, in all respects, as volunteers for three years, or during the war, including advance pay and bounty as now provided

by law.

Sec. 12. And be it further enacted, That whenever it may be necessary to call out the national forces for military service, the President is hereby authorized to assign to each district the number of men to be furnished by said district; and thereupon the enrolling board shall, under the direction of the President, make a draft of the required number, and fifty per cent in addition, and shall make an exact and complete roll of the names of the persons so drawn, and of the order in which they were drawn, so that the first drawn may stand first upon the said roll, and the second may stand second, and so on; and the persons so drawn shall be notified of the same within ten days thereafter, by a written or printed notice, to be served personally or by leaving a copy at the last place of residence, requiring them to appear at a designated rendezvous to report for duty. In assigning to the districts the number of mer to be furnished therefrom, the President shall take into consideration the number of volunteers and militia furnished by and from the several States in which said districts are situated, and the period of their service since the commencement of the present rebellion, and shall so make said assignment as to equalize the numbers among the districts of the several States, considering and allowing for the numbers

already furnished as aforesaid and the time of their service.

SEC. 13. And be it further enacted, That any person drafted and notified to appear as aforesaid, may, on or before the day fixed for his appearance, furnish an acceptable substitute to take his place in the draft; or he may pay to such person as the Secretary of War may authorize to receive it, such sum, not exceeding three hundred dollars, as the Secretary may determine, for the procuration of such substitute; which sum shall be fixed at a uniform rate by a general order made at the time of ordering a draft for any State or Territory; and thereupon such person so furnishing the substitute, or paying the money, shall be discharged from further liability under that draft. And any person falling to report after due service of notice, as herein prescribed, without furnishing a substitute, or paying the required sum therefor, shall be deemed a deserter, and shall be arrested by the provost-marshal and sent to the nearest military post for trial by court-martial, unless, upon proper showing that he is not liable to do military duty, the board of enrolment shall relieve him from the draft.

Sec. 14. And be it further enacted, That all drafted persons shall, on arriving at the rendezvous, be carefully inspected by the surgeon of the board, who shall truly report to the board the physical condition of each one; and all persons drafted and claiming exemption from military duty on account of disability, or any other cause, shall present their claims to be exempted to the board, whose decision shall be final.

SEC. 15. And be it further enacted, That any surgeon charged with the duty of such inspection who shall receive from any person whomsoever any money or other valuable thing, or agree, directly or indirectly, to receive the same to his own or another's use for making an imperfect inspection or a false or incorrect report, or who shall wilfully neglect to make a faithful inspection and true report, shall be tried by a court-martial, and, on conviction thereof, be punished by fine not exceeding five hundred dollars nor less than two hundred, and be imprisoned at the discretion of the

court, and be cashiered and dismissed from the service.

Sec. 16. And be it further enacted, That as soon as the required number of ablebodied men liable to do military duty shall be obtained from the list of those drafted, the remainder shall be discharged; and all drafted persons reporting at the place of rendezvous shall be allowed travelling pay from their places of residence; and all persons discharged at the place of rendezvous shall be allowed travelling pay to their places of residence; and all expenses connected with the enrolment and draft, including subsistence while at the rendezvous, shall be paid from the appropriation for enrolling and drafting, under such regulations as the President of the United States shall prescribe; and all expenses connected with the arrest and return of deserters to their regiments, or such other duties as the provost-marshal shall be called upon to perform, shall be paid from the appropriation for arresting deserters, under such regulations as the President of the United States shall prescribe: Provided, The provost-marshals shall in no case receive commutation for transportation or for fuel and quarters, but only for forage, when not furnished by the Government, together with actual expenses of postage, stationery, and clerk hire authorized by the provost-marshal-general.

SEC. 17. And be it further enacted, That any person enrolled and drafted according to the provisions of this act who shall furnish an acceptable substitute, shall thereupon receive from the board of enrolment a certificate of discharge from such draft, which shall exempt him from military duty during the time for which he was drafted; and such substitute shall be entitled to the same pay and and allowances provided by law as if he had been originally drafted into the service of the United

States.

Sec. 18. And be it further enacted, That such of the volunteers and militia now in the service of the United States as may reenlist to serve one year, unless sooner discharged, after the expiration of their present term of service, shall be entitled to a bounty of fifty dollars, one half of which to be paid upon such reenlistment, and the balance at the expiration of the term of reenlistment; and such as may reenlist to serve for two years, unless sooner discharged, after the expiration of their present term of enlistment, shall receive, upon such reenlistment, twenty-five dollars of the one hundred dollars bounty for enlistment provided by the fifth section of the act approved twenty-second of July, eighteen hundred and sixty-one, entitled "An act to authorize the employment of volunteers to aid in enforcing the laws and protecting public property."

Sec. 19. And be it further enacted, That whenever a regiment of volunteers of the same arm, from the same State, is reduced to one-half the maximum number prescribed by law, the President may direct the consolidation of the companies of such regiment: Provided, That no company so formed shall exceed the maximum number

prescribed by law. When such consolidation is made, the regimental officers shall be reduced in proportion to the reduction in the number of companies.

SEC. 20. And be it further enacted, That whenever a regiment is reduced below the minimum number allowed by law, no officers shall be appointed in such regiment

beyond those necessary for the command of such reduced number.

Sec. 21. And be it further enacted, That so much of the fifth section of the act approved seventeenth July, eighteen hundred and sixty-two, entitled "An act to amend an act calling forth the militia to execute the laws of the Union," and so forth, as requires the approval of the President to carry into execution the sentence of a court-martial, be, and the same is hereby, repealed, as far as relates to carrying into execution the sentence of any court-martial against any person convicted as a spy or deserter, or of mutiny or murder; and hereafter sentences in punishment of these offences may be carried into execution upon the approval of the commanding-general in the field.

SEC. 22. And be it further enacted, That courts-martial shall have power to sentence officers who shall absent themselves from their commands without leave, to be

reduced to the ranks to serve three years or during the war.

SEC. 23. And be it further enacted, That the clothes, arms, military outfits, and accoutrements furnished by the United States to any soldier, shall not be sold, bartered, exchanged, pledged, loaned, or given away; and no person not a soldier or duly authorized officer of the United States, who has possession of any such clothes, arms, military outfits, or accoutrements, furnished as aforesaid, and which have been the subjects of any such sale, barter, exchange, pledge, loan, or gift, shall have any right, title, or interest therein; but the same may be seized and taken wherever found by any officer of the United States, civil or military, and shall thereupon be delivered to any quartermaster, or other officer authorized to receive the same; and the possession of any such clothes, arms, military outfits, or accoutrements, by any person not a soldier or officer of the United States, shall be prima facie evidence of such a

sale, barter, exchange, pledge, loan, or gift, as aforesaid.

SEC. 24. And be it further enacted, That every person not subject to the rules and articles of war who shall procure or entice, or attempt to procure or entice, a soldier in the service of the United States to desert; or who shall harbor, conceal, or give employment to a deserter, or carry him away, or aid in carrying him away, knowing him to be such; or who shall purchase from any soldier his arms, equipments, ammunition, uniform, clothing, or any part thereof; and any captain or commanding officer of any ship or vessel, or any superintendent or conductor of any railroad, or any other public conveyance, carrying away any such soldier as one of his crew or otherwise, knowing him to have deserted, or shall refuse to deliver him up to the orders of his commanding officer, shall, upon legal conviction, be fined, at the discretion of any court having cognizance of the same, in any sum not exceeding five hundred dollars, and he shall be imprisoned not exceeding two years nor less than six months.

SEC. 25. And be it further enacted, That if any person shall resist any draft of men enrolled under this act into the service of the United States, or shall counsel or aid any person to resist any such draft; or shall assault or obstruct any officer in making such draft, or in the performance of any service in relation thereto; or shall counsel any person to assault or obstruct any such officer, or shall counsel any drafted men not to appear at the place of rendezvous, or wilfully dissuade them from the performance of military duty as required by law, such person shall be subject to summary arrest by the provost-marshal, and shall be forthwith delivered to the civil authorities, and, upon conviction thereof, be punished by a fine not exceeding five hundred dollars, or by imprisonment, not exceeding two years, or by both of said punishments.

SEC. 26. And be it further enacted, That immediately after the passage of this act the President shall issue his proclamation declaring that all soldiers now absent from their regiments without leave may return within a time specified to such place or places as he may indicate in his proclamation, and be restored to their respective regiments without punishment, except the forfeiture of their pay and allowances during their absence; and all deserters who shall not return within the time so specified by the President shall, upon being arrested, be punished as the law provides.

SEC. 27. And be it further enacted, That depositions of witnesses residing beyond the limits of the State, Territory, or district in which military courts shall be ordered to sit, may be taken in cases not capital by either party, and read in evidence; provided the same shall be taken upon reasonable notice to the opposite party, and allowed the state of the opposite party and the content of the order of

duly authenticated.

SEC. 28. And be it further enacted, That the judge-advocate shall have power to appoint a reporter, whose duty it shall be to record the proceedings of and testimony taken before military courts instead of the judge-advocate; and such reporter may take down such proceedings and testimony in the first instance in shorthand. The

reporter shall be sworn or affirmed faithfully to perform his duty before entering

Sec. 29. And be it jurther enacted, That the court shall, for reasonable cause, grant a continuance to either party for such time and as often as shall appear to be just: Provided, That if the prisoner be in close continement the trial shall not be delayed

for a period longer than sixty days.

Sec. 30. And be it further enacted, That in time of war, insurrection, or rebellion, murder, assault and battery with intent to kill, manslaughter, mayhem, wounding by shooting or stabbing with an intent to commit murder, robbery, arson, burglary, rape, assault and battery with an intent to commit rape, and larceny, shall be punishable by the sentence of a general court-martial or military commission, when committed by persons who are in the military service of the United States, and subject to the Articles of War; and the punishments for such offences shall never be less than those inflicted by the laws of the State, Territory, or district in which they may have been committed.

Sec. 31. And be it further enacted, That any officer absent from duty with leave, except for sickness or wounds, shall, during his absence, receive half of the pay and allowances prescribed by law, and no more; and any officer absent without leave shall, in addition to the penalties prescribed by law or a court-martial, forfeit all

pay or allowances during such absence.

Sec. 32. And be it further enacted, That the commanders of regiments and of batteries in the field are hereby authorized and empowered to grant furloughs for a period not exceeding thirty days at any one time to five per centum of the noncommissioned officers and privates, for good conduct in the line of duty, and subject to the approval of the commander of the forces of which such noncommissioned officers and privates form a part.

SEC. 33. And be it further enacted, That the President of the United States is hereby authorized and empowered during the present rebellion to call forth the

national forces, by draft, in the manner provided for in this act.

SEC. 34. And be it further enacted, That all persons drafted under the provisions of this act shall be assigned by the President to military duty in such corps, regiments, or other branches of the service as the exigencies of the service may require.

SEC. 35. And be it further enacted, That hereafter details to special service shall only be made with the consent of the commanding officer of forces in the field; and enlisted men, now or hereafter detailed to special service, shall not receive any extra pay for such services beyond that allowed to other enlisted men.

SEC. 36. And be it further enacted, That general orders of the War Department, numbered one hundred and fifty-four and one hundred and sixty-two, in reference to enlistments from the volunteers into the regular service, be, and the same are

hereby, rescinded; and hereafter no such enlistments shall be allowed.

SEC. 37. And be it further enacted. That the grades created in the cavalry forces of the United States by section eleven of the act approved seventeenth July, eighteen hundred and sixty-two, and for which no rate of compensation has been provided, shall be paid as follows, to wit: Regimental commissary the same as regimental quartermaster; chief trumpeter the same as chief bugler; sad[d]ler-sergeant the same as regimental commissary-sergeant; company commissary-sergeant the same as company quartermaster-sergeant: Provided, That the grade of supernumerary second lieutenant, and two teamsters for each company, and one chief farrier and blacksmith for each regiment, as allowed by said section of that act, be, and they are hereby, abolished; and each cavalry company may have two trumpeters, to be paid as buglers; and each regiment shall have one veterinary surgeon, with the rank of a regimental sergeant-major, whose compensation shall be seventy-five dollars per month.

SEC. 38. And be it further enacted, That all persons who, in time of war or of rebellion against the supreme authority of the United States, shall be found lurking or acting as spies, in or about any of the fortifications, posts, quarters, or encampments of any of the armies of the United States, or elsewhere, shall be triable by a general court-martial or military commission, and shall, upon conviction, suffer death.

Approved, March 3, 1863.

[13 Stat. L., p. 6.]

AN ACT to amend an act entitled "An act for enrolling and calling out the national forces, and for other purposes," approved March third, eighteen hundred and sixty-three.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States shall be authorized. whenever he shall deem it necessary, during the present war, to call for such number of men for the military service of the United States as the public exigencies may require.

Sec. 2. And be it further enacted, That the quota of each ward of a city, town, township, precinct, or election district, or of a county, where the county is not divided into wards, towns, townships, precincts, or election districts, shall be, as nearly as possible, in proportion to the number of men resident therein liable to render military service, taking into account, as far as practicable, the number which has been previously furnished therefrom; and in ascertaining and filling said quota there shall be taken into account the number of men who have heretofore entered the naval service of the United States, and whose names are borne upon the enrolment lists as already returned to the office of the provost-marshal-general of the United States.

SEC. 3. And be it further enacted, That if the quotas shall not be filled within the time designated by the President, the provost-marshal of the district within which any ward of a city, town, township, precinct, or election district, or county, where the same is not divided into wards, towns, townships, precincts, or election districts, which is deficient in its quota, is situated, shall, under the direction of the provost-marshal-general, make a draft for the number deficient therefrom; but all volunteers who may enlist after the draft shall have been ordered, and before it shall be actually made, shall be deducted from the number ordered to be drafted in such ward, town, township, precinct, or election district, or county. And if the quota of any district shall not be filled by the draft made in accordance with the provisions of this act, and the act to which it is an amendment, further drafts shall be made, and like proceedings had, until the quota of such district shall be filled.

SEC. 4. And be it further enacted, That any person enrolled under the provisions of the act for enrolling and calling out the national forces, and for other purposes, approved March third, eighteen hundred and sixty-three, or who may be hereafter so enrolled, may furnish, at any time previous to the draft, an acceptable substitute, who is not liable to draft, nor at the time in the military or naval service of the United States, and such person so furnishing a substitute shall be exempt from draft during the time for which [such] substitute shall not be liable to draft, not

exceeding the time for which such substitute shall have been accepted.

SEC. 5. And be it further enacted, That any person drafted into the military service of the United States may, before the time fixed for his appearance for duty at the draft rendezvous, furnish an acceptable substitute, subject to such rules and regulations as may be prescribed by the Secretary of War. That if such substitute is not liable to draft, the person furnishing him shall be exempt from draft during the time for which such substitute is not liable to draft, not exceeding the term for which he was drafted; and, if such substitute is liable to draft, the name of the person furnishing him shall again be placed on the roll, and shall be liable to draft on future calls, but not until the present enrolment shall be exhausted; and this exemption shall not exceed the term for which such person shall have been drafted. And any person now in the military or naval service of the United States, not physically disqualified, who has so served more than one year, and whose term of unexpired service shall not at the time of substitution exceed six months, may be employed as a substitute to serve in the troops of the State in which he enlisted; and if any drafted person shall hereafter pay money for the procuration of a substitute, under the provisions of the act to which this is an amendment, such payment of money shall operate only to relieve such person from draft in filling that quota; and his name shall be retained on the roll in filling future quotas; but in no instance shall the exemption of any person on account of his payment of commutation money for the procuration of a substitute, extend beyond one year; but at the end of one year, in every such case, the name of any person so exempted shall be enrolled again, if not before returned to the enrolment list under the provisions of this section.

Sec. 6. And be it further enacted, That boards of enrolment shall enroll all persons liable to draft under the provisions of this act, and the act to which this is an amendment, whose names may have been omitted by the proper enrolling officers; all persons who shall arrive at the age of twenty years before the draft; all aliens who shall declare their intentions to become citizens; all persons discharged from the military or naval service of the United States who have not been in such service two years during the present war; and all persons who have been exempted under the provisions of the second section of the act to which this is an amendment, but who are not exempted by the provisions of this act; and said boards of enrolment shall release and discharge from draft all persons who, between the time of the enrolment and the draft, shall have arrived at the age of forty-five years, and shall

strike the names of such persons from the enrolment.

Sec. 7. And be it further enacted, That any mariner or able or ordinary seaman who shall be drafted under this act, or the act to which this is an amendment, shall have the right, within eight days after the notification of such draft, to enlist in the naval service as a seaman, and a certificate that he has so enlisted being made out, in conformity with regulations which may be prescribed by the Secretary of the Navy, and duly presented to the provost-marshal of the district in which such mariner or able or ordinary seaman shall have been drafted, shall exempt him from such draft: Provided, That the period for which he shall have enlisted into the naval service shall not be less than the period for which he shall have been drafted into

the military service: And provided further, That the said certificate shall declare that satisfactory proof has been made before the naval officer issuing the same that the said person so enlisting in the Navy is a mariner by vocation, or an able or ordinary seaman. And any person now in the military service of the United States, who shall furnish satisfactory proof that he is a mariner by vocation or an able or ordinary seaman, may enlist into the Navy under such rules and regulations as may be prescribed by the President of the United States: Provided, That such enlistment shall not be for less than the unexpired term of his military service, nor for less than one year. And the bounty-money which any mariner or seaman enlisting from the Army into the Navy may have received from the United States, or from the State in which he enlisted in the Army, shall be deducted from the prize-money to which he may become entitled during the time required to complete his military service: And provided further, That the whole number of such transfer enlistments shall not exceed ten thousand.

SEC. 8. And be it further enacted, That whenever any such mariner or able or ordinary seaman shall have been exempted from such draft in the military service by such enlistment into the naval service, under such due certificate thereof, then the ward, town, township, precinct, or election district, or county, when the same is not divided into wards, towns, townships, precints, or election districts, from which such person has been drafted, shall be credited with his services to all intents and purposes as if he had been duly mustered into the military service under such draft.

Sec. 9. And be it further enacted, That all enlistments into the naval service of the United States, or into the Marine Corps of the United States, that may hereafter be made of persons liable to service under the act of Congress entitled "An act for enrolling and calling out the national forces, and for other purposes," approved March third, eighteen hundred and sixty-three, shall be credited to the ward, town, township, precinct, or election district, or county, when the same is not divided into wards, towns, townships, precincts, or election districts, in which such enlisted men were or may be enrolled and liable to duty under the act aforesaid, under such regulations as the provost-marshal-general of the United States may prescribe.

SEC. 10. And be it further enacted, That the following persons be and they are hereby exempted from enrolment and draft under the provisions of this act and of the act to which this is an amendment, to wit: Such as are rejected as physically or mentally unfit for the service, all persons actually in the military or naval service of the United States at the time of the draft, and all persons who have served in the military or naval service two years during the present war and been honorably discharged therefrom; and no persons but such as are herein exempted shall be exempt.

SEC. 11. And be it further enacted, That section third of the "Act for enrolling and calling out the national forces, and for other purposes," approved March third, eighteen hundred and sixty-three, and so much of section ten of said act as provides for the separate enrolment of each class, be, and the same are hereby, repealed; and it shall be the duty of the board of enrolment of each district to consolidate the two

classes mentioned in the third section of said act.

SEC. 12. And be it further enacted, That any person who shall forcibly resist or oppose any enrolment, or who shall incite, counsel, encourage, or who shall conspire or confederate with any other person or persons forcibly to resist or oppose any such enrolment, or who shall aid or assist, or take any part in any forcible resistance or opposition thereto, or who shall assault, obstruct, hinder, impede, or threaten any officer or other person employed in making or in aiding to make such enrolment, or employed in the performance, or in aiding in the performance of any service in anyway relating thereto, or in arresting or aiding to arrest any spy or deserter from the military service of the United States, shall, upon conviction thereof in any court competent to try the offence, be punished by a fine not exceeding five thousand dollars, or by imprisonment not exceeding five years, or by both of said punishments in the discretion of the court. And in cases where such assaulting, obstructing, hindering, or impeding shall produce the death of such officer or other person, the offender shall be deemed guilty of murder, and, upon conviction thereof upon indictment in the circuit court of the United States for the district within which the offence was committed, shall be punished with death. And nothing in this section contained shall be construed to relieve the party offending from liability, under proper indictment or process, for any crime against the laws of a State, committed by him while violating the provisions of this section.

Sec. 13. And be it further enacted, That the Secretary of War shall be authorized

SEC. 13. And be it further enacted, That the Secretary of War shall be authorized to detail or appoint such number of additional surgeons for temporary duty in the examination of persons drafted into the military service, in any district, as may be necessary to secure the prompt examination of all such persons, and to fix the compensation to be paid surgeons so appointed while actually employed. And such surgeons so detailed or appointed shall perform the same duties as the surgeon of the board of enrolment, except that they shall not be permitted to vote or sit with

the board of enrolment.

Sec. 14. And be it further enacted, That the Secretary of War is authorized, whenever in his judgment the public interest will be subserved thereby, to permit or require boards of examination of enrolled or drafted men to hold their examinations at different points within their respective enrolment districts, to be determined by him: Provided, That in all districts over one hundred miles in extent, and in such as are composed of over ten counties, the board shall hold their sessions in at least two places in such district, and at such points as are best calculated to accommo-

date the people thereof.

SEC. 15. And be it further enacted, That provost-marshals, boards of enrolment, or any member thereof, acting by authority of the board, shall have power to summon witnesses in behalf of the Government, and enforce their attendance by attachment without previous payment of fees, in any case pending before them, or either of them; and the fees allowed for witnesses attending under summons shall be six cents per mile for mileage, counting one way; and no other fees or costs shall be allowed under the provisions of this section; and they shall have power to administer oaths and affirmations. And any person who shall wilfully and corruptly swear or affirm falsely before any provost-marshal, or board of enrolment, or member thereof, acting by authority of the board, or who shall, before any civil magistrate, wilfully and corruptly swear or affirm falsely to any affidavit to be used in any case pending before any provost-marshal or board of enrolment, shall, on conviction, be fined not exceeding five hundred dollars, and imprisoned not less than six months nor more than twelve months. The drafted men shall have process to bring in witnesses, but without mileage.

bring in witnesses, but without mileage.

Sec. 16. And be it further enacted, That copies of any record of a provost-marshal or board of enrolment, or of any part thereof, certified by the provost-marshal, or a majority of said board of enrolment, shall be deemed and taken as evidence in any civil or military court in like manner as the original record: Provided, That if any person shall knowingly certify any false copy or copies of such record, to be used in any civil or military court, he shall be subject to the pains and penalties of perjury.

any civil or military court, he shall be subject to the pains and penalties of perjury. Sec. 17. And be it further enacted, That members of religious denominations, who shall by oath or affirmation declare that they are conscientiously opposed to the bearing of arms, and who are prohibited from doing so by the rules and articles of faith and practice of said religious denominations, shall, when drafted into the military service, be considered noncombatants, and shall be assigned by the Secretary of War to duty in the hospitals, or to the care of freedmen, or shall pay the sum of three hundred dollars to such person as the Secretary of War shall designate to receive it, to be applied to the benefit of the sick and wounded soldiers: Provided, That no person shall be entitled to the benefit of the provisions of this section unless his declaration of conscientious scruples against bearing arms shall be supported by satisfactory evidence that his deportment has been uniformly consistent with such declaration.

SEC. 18. And be it further enacted, That no person of foreign birth shall, on account of alienage, be exempted from enrolment or draft under the provisions of this act, or the act to which it is an amendment, who has at any time assumed the rights of a citizen by voting at any election held under authority of the laws of any State or Territory, or of the United States, or who has held any office under such laws or any of them; but the fact that any such person of foreign birth has voted or held, or shall vote or hold, office as aforesaid, shall be taken as conclusive evidence that he is not entitled to exemption from military service on account of alienage.

is not entitled to exemption from military service on account of alienage.

Sec. 19. And be it further enacted, That all claims to exemption shall be verified by the oath or affirmation of the party claiming exemption to the truth of the facts stated, unless it shall satisfactorily appear to the board of enrolment that such party is for some good and sufficient reason unable to make such oath or affirmation; and the testimony of any other party filed in support of a claim to exemption shall also

be made upon oath or affirmation.

SEC. 20. And be it further enacted, That if any person drafted and liable to render military service shall procure a decision of the board of enrolment in his favor upon a claim to exemption by any fraud or false representation practiced by himself or by his procurement, such decision or exemption shall be of no effect, and the person exempted, or in whose favor the decision may be made, shall be deemed a deserter, and may be arrested, tried by court-martial, and punished as such, and shall be held to service for the full term for which he was drafted, reckoning from the time of his arrest: Provided, That the Secretary of War may order the discharge of all persons in the military service who are under the age of eighteen years at the time of the application for their discharge, when it shall appear upon due proof that such persons are in the service without the consent, either expressed or implied, of their parents or guardians. And provided further, That such persons, their parents or guardians, shall first repay to the Government and to the State and local authorities all bounties and advance pay which may have been paid to them, anything in the act to which this is an amendment to the contrary notwithstanding.

SEC. 21. And be it further enacted, That any person who shall procure, or attempt to procure, a false report from the surgeon of the board of enrolment concerning the physical condition of any drafted person, or a decision in favor of such person by the board of enrolment upon a claim to exemption, knowing the same to be false, shall, upon conviction in any district or circuit court of the United States, be pun-

ished by imprisonment for the period for which the party was drafted.

SEC. 22. And be it further enacted, That the fees of agents and attorneys for making out and causing to be executed any papers in support of a claim for exemption from draft, or for any services that may be rendered to the claimant, shall not, in any case, exceed five dollars; and physicians or surgeons furnishing certificates of disability to any claimant for exemption from draft shall not be entitled to any fees or compensation therefor. And any agent or attorney who shall, directly or indirectly, demand or receive any greater compensation for his services under this act, and any physician or surgeon who shall, directly or indirectly, demand or receive any compensation for furnishing said certificates of disability, and any officer, clerk, or deputy connected with the board of enrolment who shall receive compensation from any drafted man for any services, or obtaining the performance of such service required from any member of said board by the provisions of this act, shall be deemed guilty of a high misdemeanor, and, upon conviction, shall, for every such offence, be fined not exceeding five hundred dollars, to be recovered upon information or indictment before any court of competent jurisdiction, one-half for the use of any informer who may prosecute for the same in the name of the United States, and the other half for the use of the United States, and shall also be subject to imprisonment for a term not exceeding one year, at the discretion of the court.

Sec. 23. And be it further enacted, That no member of the board of enrolment, and no surgeon detailed or employed to assist the board of enrolment, and no clerk, assistant, or employee of any provost-marshal or board of enrolment, shall, directly or indirectly, be engaged in procuring or attempting to procure substitutes for persons drafted, or liable to be drafted, into the military service of the United States. And if any member of a board of enrolment, or any such surgeon, clerk, assistant, or employee, shall procure, or attempt to procure, a substitute for any person drafted, or liable to be drafted, as aforesaid, he shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished by imprisonment not less than thirty days, nor more than six months, and pay a fine not less than one hundred, nor more than one

thousand dollars, by any court competent to try the offence.

Sec. 24. And be it further enacted, That all able-bodied male colored persons, between the ages of twenty and forty-five years, resident in the United States, shall be enrolled according to the provisions of this act, and of the act to which this is an amendment, and form part of the national forces; and when a slave of a loyal master shall be drafted and mustered into the service of the United States, his master shall have a certificate thereof, and thereupon such slave shall be free; and the bounty of one hundred dollars, now payable by law for each drafted man, shall be paid to the person to whom such drafted person was owing service or labor at the time of his muster into the service of the United States. The Secretary of War shall appoint a commission in each of the slave States represented in Congress, charged to award to each loyal person to whom a colored volunteer may owe service a just compensation, not exceeding three hundred dollars, for each such colored volunteer, payable out of the fund derived from commutations, and every such colored volunteer on being mustered into the service shall be free. And in all cases where men of color have been heretofore enlisted or have volunteered in the military service of the United States, all the provisions of this act, so far as the payment of bounty and compensation are provided, shall be equally applicable as to those who may be hereafter recruited. But men of color, drafted or enlisted, or who may volunteer into the military service, while they shall be credited on the quotas of the several States, or subdivisions of States, wherein they are respectively drafted, enlisted, or shall volunteer, shall not be assigned as State troops, but shall be mustered into regiments or companies as United States colored troops.

Sec. 25. And be it further enacted, That the fifteenth section of the act to which this is amendatory be so amended that it will read as follows: That any surgeon charged with the duty of such inspection, who shall receive from any person whomsoever any money or other valuable thing, or agree, directly or indirectly, to receive the same to his own or another's use, for making an imperfect inspection, or a false or incorrect report, or who shall wilfully neglect to make a faithful inspection and true report, and each member of the board of enrolment who shall wilfully agree to the discharge from service of any drafted person who is not legally and properly entitled to such discharge, shall be tried by a court-martial, and, on conviction thereof, be punished by a fine not less than three hundred dollars and not more than ten thousand dollars, shall be imprisoned at the discretion of the court, and be cashiered and

dismissed the service.

SEC. 26. And be it further enacted, That the words "precinct" and "election district," as used in this act, shall not be construed to require any subdivision for purposes of enrolment and draft less than the wards into which any city or village may be divided, or than the towns or townships into which any county may be divided.

SEC. 27. And be it further enacted, That so much of the act entitled "An act for enrolling and calling out the national forces, and for other purposes," approved March third, eighteen hundred and sixty-three, as may be inconsistent with the

provisions of this act, is hereby repealed.

Approved, February 24, 1864.

[13 Stat. L., p. 379.]

AN ACT further to regulate and provide for the enrolling and calling out of the national forces, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States may, at his discretion, at any time hereafter call for any number of men as volunteers for the respective terms of one, two, and three years for military service; and any such volunteer, or, in case of draft, as hereinafter provided, any substitute, shall be credited to the town, township, ward of a city, precinct, or election district, or of a county not so subdivided, towards the quota of which he may have volunteered or engaged as a substitute; and every volunteer who is accepted and mustered into the service for a term of one year, unless sooner discharged, shall receive, and be paid by the United States, a bounty of one hundred dollars; and if for a term of two years, unless sooner discharged, a bounty of two hundred dollars; and if for a term of three years, unless sooner discharged, a bounty of three hundred dollars; one-third of which bounty shall be paid to the soldier at the time of his being mustered into the service, onethird at the expiration of one-half of his term of service, and one-third at the expiration of his term of service; and in case of his death while in service, the residue of his bounty unpaid shall be paid to his widow, if he shall have left a widow; if not, to his children, or if there be none, to his mother, if she be a widow.

SEC. 2. And be it further enacted, That in case the quota, or any part thereof, of

any town, township, ward of a city, precinct, or election district, or of any county not so subdivided, shall not be filled within the space of fifty days after such call, then the President shall immediately order a draft for one year to fill such quota, or any part thereof, which may be unfilled; and in case of any such draft no payment of money shall be accepted or received by the Government as commutation to release any enrolled or drafted man from personal obligation to perform military

service.

SEC. 3. And be it further enacted, That it shall be lawful for the executive of any of the States to send recruiting agents into any of the States declared to be in rebellion, except the States of Arkansas, Tennessee, and Louisiana, to recruit volunteers under any call under the provisions of this act, who shall be credited to the State, and to the respective subdivisions thereof, which may procure the enlistment.

SEC. 4. And be it further enacted, That drafted men, substitutes, and volunteers, when mustered in shall be organized in, or assigned to, regiments, batteries, or other organizations of their own States, and as far as practicable shall, when assigned, be permitted to select their own regiments, batteries, or other organizations from among those of their respective States which at the time of assignment

may not be filled to their maximum number.

SEC. 5. And be it further enacted, That the twentieth section of the act entitled "An act to amend an act entitled 'An act for enrolling and calling out the national forces, and for other purposes," approved February twenty-four, eighteen hundred and sixty-four, shall be construed to mean that the Secretary of Warshall discharge minors under the age of eighteen years under the circumstances and on the conditions prescribed in said section; and hereafter, if any officer of the United States shall enlist or muster into the military service any person under the age of sixteen years, with or without the consent of his parent or guardian, such person so enlisted or recruited shall be immediately discharged upon repayment of all bounties received; and such recruiting or mustering officer who shall knowingly enlist any person under sixteen years of age shall be dismissed the service, with forfeiture of all pay and allowances, and shall be subject to such further punishment as a courtmartial may direct.

SEC. 6. And be it further enacted, That section three of an act entitled "An act to amend an act entitled 'An act for enrolling and calling out the national forces, and for other purposes," approved February twenty-four, eighteen hundred and sixtyfour, be, and the same is hereby, amended, so as to authorize and direct district provost-marshals, under the direction of the provost-marshal-general, to make a

draft of one hundred per centum in addition to the number required to fill the quota

of any district as provided by said section.

SEC. 7. And be it further enacted, That instead of travelling pay, all drafted persons reporting at the place of rendezvous shall be allowed transportation from their places of residence; and persons discharged at the place of rendezvous shall be allowed transportation to their places of residence.

SEC. 8. And be it further enacted, That all persons in the naval service of the United States who have entered said service during the present rebellion, who have not been credited to the quota of any town, district, ward, or State, by reason of their being in said service and not enrolled prior to February twenty-fourth, eighteen hundred and sixty-four, shall be enrolled and credited to the quotas of the town, ward, district, or State, in which they respectively reside, upon satisfactory proof of their residence made to the Secretary of War.

SEC. 9. And be it further enacted, That, if any person duly drafted shall be absent from home in prosecution of his usual business, the provost-marshal of the district shall cause him to be duly notified as soon as may be, and he shall not be deemed a deserter, nor liable as such, until notice has been given to him, and reasonable time allowed for him to return and report to the provost-marshal of his district; but

such absence shall not otherwise affect his liability under this act.

Sec. 10. And be it further enacted, That nothing contained in this act shall be construed to alter, or in any way affect, the provisions of the seventeenth section of an act approved February twenty-fourth, eighteen hundred and sixty-four, entitled "An act to amend an act entitled 'An act for enrolling and calling out the national forces, and for other purposes," approved March third, eighteen hundred and sixty-

SEC. 11. And be it further enacted, That nothing contained in this act shall be construed to alter or change the provisions of existing laws relative to permitting persons liable to military service to furnish substitutes.

Approved, July 4, 1864.

[14 Stat. L., p. 321.]

[Extract from an act making appropriations for sundry civil expenses of the Government for the year ending June thirtieth, eighteen hundred and sixty-seven, and for other purposes.]

That so much of any money in the treasury known as the "commutation fund" as may be necessary be, and the same is hereby, appropriated for the payment to loyal persons claiming service or labor from colored volunteers or drafted men, the amounts heretofore, or hereafter to be awarded them under the provisions of section twenty-fourth of the act entitled "An act to amend an act entitled an act for enrolling and calling out the national forces and for other purposes approved February twenty-fourth, eighteen hundred and sixty-four," for each person so claimed to be held to service or labor who has enlisted or been drafted into the military service of the United States; but such payment shall in no case be made to any person except upon satisfactory proof that the claimant has firmly and faithfully maintained his or her adherence and allegiance to the Government of the United States, by defending its cause against the Government and forces of the so-called Confederate States of America, in all suitable and practicable ways, and according to his or her ability and opportunity: Provided, That no money shall be paid under the foregoing provision until the final report of the commissioners under the act aforesaid shall have been made on all the claims embraced in the twenty-fourth section of said act.

Approved, July 28, 1866.

[14 Stat. L., p. 376.]

AN ACT suspending the payment of moneys from the Treasury as compensation to persons claiming the service or labor of colored volunteers or drafted men, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the final report of the commissioners provided for in the second section of the act of Congress entitled "An act making appropriation for sundry civil expenses of the Government for the year ending June thirtieth, eighteen hundred and sixty-seven, and for other purposes," approved July twentyeight, eighteen hundred and sixty-six, shall be made, through the Secretary of War, to Congress; and no money shall be paid from the Treasury, or from any fund therein, upon the same, or otherwise, to any claimant under the provisions of section twentyfour of the act approved February twenty-fourth, eighteen hundred and sixty-four, entitled "An act to amend an act entitled "An act for enrolling and calling out the national forces, and for other purposes," approved March third, eighteen hundred and sixty-three, until such report shall be approved and confirmed by Congress.

Approved, January 14, 1867.

[14 Stat. L., p. 417.]

AN ACT for the relief of certain drafted men.

Whereas, certain persons, drafted into the military service under the calls of the President of the United States, made February first, eighteen hundred and sixtyfour, and March fourteenth, eighteen hundred and sixty-four, paid the sum of three hundred dollars each, being the amount of commutation fixed for such service under the fifth section of the amendatory enrollment act of February twenty-fourth, eighteen hundred and sixty-four, and the same persons were afterwards again drafted, under the call of December nineteenth, eighteen hundred and sixty-four (being within one year of the previous draft, and before the filling of the quotas assigned under the two calls first named above), and were then required to enter the service or furnish substitutes; and whereas the true intent and meaning of the fifth section of the amendatory act aforesaid was to exempt persons thus paying commutation from further draft until that quota should be filled, and not exceeding one year:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That the Secretary of War is hereby authorized and directed to refund to each person drafted as aforesaid, who paid commutation and was also required to enter the service or furnish a substitute as aforesaid, the sum of three hundred dollars, being the sum of money so as aforesaid paid by him; and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, a sum sufficient to make such payments.

SEC. 2. And be it further enacted, That the Secretary of War is authorized and required to refund from the commutation money the amount (not exceeding three hundred dollars in any one case) paid by any person drafted during the late war who furnished a substitute or paid commutation money, wherever it shall appear that, under the decisions and rules of the War Department governing at the time, the said person was entitled to discharge from the obligation to render personal service under the draft for which he paid money or furnished a substitute, and to refund, in like manner, in all cases wherein it shall appear that a person so having paid commutation money or furnished a substitute was not legally liable to draft: Provided. That this section shall apply only to claims received at the War Department prior to its passage.

Approved, February 28, 1867.

[15 Stat. L., p. 29.]

JOINT RESOLUTION suspending all proceedings in relation to payment for Slaves drafted or received as volunteers in the military service of the United States.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That all further proceedings under the twenty-fourth section of the act of Congress approved February twenty-fourth, eighteen hundred and sixty-four, "to award compensation to the masters of slaves drafted into the military service of the United States, and award compensation to persons to whom colored volunteers may owe service," and under the second section of the act approved July twenty-eighth, eighteen hundred and sixty-six, "making appropriation for payment to persons claiming service or labor from colored volunteers or drafted men," be, and the same are hereby suspended. And the Secretary of War is directed to dissolve the commissions appointed under the said sections, and make payment to the commissioners and clerks for the services rendered upon their making report of their proceedings to the War Department.

Approved, March 30, 1867.

[15 Stat. L., p. 282.]

AN ACT amendatory of an act entitled "An act for the relief of certain drafted men."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the second section of an act entitled "An act for the relief of certain drafted men," approved the twenty-eighth day of February, anno Domini eighteen hundred and sixty-seven, as provides that said section "shall apply only to claims received at the War Department prior to its passage," be, and the same is hereby, repealed: Provided, however, That all claims under said second section of said act shall be presented and filed within two years from the date of the final passage of this act and not afterwards.

Approved, March 1, 1869.

[Opinion of the Solicitor of the War Department.]

Note.—Section 10 of the act approved February 24, 1864, directs the exemption from enrollment and draft of "all persons actually in the military or naval service of the United States at the time of the draft."

The Solicitor of the War Department, in an opinion given July 26, 1864, relative to an application for the exemption of members of the one-hundred-days' militia of the State of New York, under this provision of the law, held that-

"By the true construction of the act those persons only who shall be actually in the service of the United States at the time when their respective names shall be

drafted will be exempted from that draft, if such exemption shall be duly claimed."

In a telegram to Lieut. Col. James Oakes, acting assistant provost-marshalgeneral of Illinois, dated September 25, 1864, the Provost-Marshal-General of the United States said: "one-hundred-day men actually in service when drafted are entitled to exemption."

The only general laws hitherto enacted for refunding commutation money collected from drafted men in the late war for the suppression of the rebellion are the

following-

An act approved February 28, 1867 (14 Stat. L., p. 417); and the act of March 1,

1869 (15 Stat. L., p. 282).

The \$300 commutation money was refunded under the acts of Congress of February 28, 1867, and March 1, 1869, but under said acts the period within which claims could be filed expired by limitation on February 28, 1871.